ORAL ANSWERS TO QUESTIONS

*161. [The questioner (Shri Sanjay Raut) was absent. For answer *vide* page 35]

*162. [The questioner (Shri Ajay Maroo) was absent. For answer *vide* page 36]

आई॰ एल॰ ओ॰ सम्मेलन में सरकारी प्रतिनिधि

*163 श्री रूद्रनारायण पाणि: क्या श्रम और रोजगार मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या सरकार आई॰एल॰ओ॰ (अन्तर्राष्ट्रीय श्रम संगठन) सम्मेलन में श्रमिक प्रतिनिधि भेजती है;

(ख) यदि हां, तो इस सम्मेलन में भाग लेने के लिए प्रतिनिधियों को अनुमति देने का मानदंड क्या है;

(ग) क्या सरकार ने जेनेवा में हाल में आयोजित 93वें अन्तर्राष्ट्रीय श्रम सम्मेलन में श्रमिक प्रतिनिधि भेजे थे;

(घ) यदि हां, तो उक्त सम्मेलन में किस उद्देश्य से इन प्रतिनिधियों को भेजा गया था;

(ङ) क्या यह सच है कि सरकार को इस सम्मेलन में श्रमिक प्रतिनिधियों को भेजने के लिए अन्तर्राष्ट्रीय श्रम संगठन से कोई प्रस्ताव प्राप्त हुआ था; और

(च) यदि हां, तो तत्संबंधी ब्यौरा क्या है और इस संबंध में सरकार द्वारा क्या कार्रवाई की गई है?

श्रम और रोजगार मंत्री (श्री के॰ चन्द्रशेखर राव): (क) से (च) एक विवरण सभा पटल पर रख दिया गया है।

विवरण

(क) से (च) सरकार जेनेवा में हर वर्ष आयोजित होने वाले अन्तर्राष्ट्रीय श्रम सम्मेलन में भाग लेने के लिए श्रमिक संघों के प्रतिनिधियों को भेजती है। सम्मेलन में भाग लेने के लिए नामित किए जाने वाले श्रमिक संघों की पहचान उनकी प्रमाणित सदस्यता संख्या के आधार पर की जाती है। जबकि सम्मेलन में भाग लेने के लिए पहचान किए गए श्रमिक संघों को उनकी प्रमाणित सदस्यता संख्या के आधार पर सरकार द्वारा नामित किया जाता है, वहीं केन्द्रीय श्रमिक संघों का प्रतिनिधित्व करने वाले अलग-अलग नामित व्यक्तियों को उनके संबंधित श्रमिक संघों द्वारा नामित किया जाता है। इन प्रतिनिधियों को श्रम से संबंधित मामलों के लिए सूचीबद्ध विषयों पर विचार-विमर्श करने के लिए सरकार के प्रतिनिधियों और श्रमिक संघों तथा नियोजक संगठनों के प्रतिनिधियों को शामिल करते हुए त्रिपक्षीय तन्त्र के एक भाग के रूप में सम्मेलन में भाग लेने के लिए भेजा जाता

है। इन शिष्ट-मंडलों को अंतर्राष्ट्रीय श्रम सम्मेलन में देश का प्रतिनिधित्व करने और अन्तर्राष्ट्रीय श्रम सम्मेलन की विभिन्न समितियों में भाग लेने के लिए भेजा जाता है।

Government representatives in ILO Conference

†*163. SHRI RUDRA NARAYAN PANY: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government sends representatives of labourers in the I.L.O. (International Labour Organisation) Conference;

(b) if so, the criteria adopted to grant permission to representatives for participating in the Conference;

(c) whether Government had sent representatives of labourers in the 93rd International Labour Conference, recently held in Geneva;

(d) if so, the aim with which these representatives had been sent in the above Conference;

(e) whether it is a fact that Government had received a proposal from the International Labour Organisation for sending the representatives of labourers in this Conference; and

(f) if so, the details thereof and the action taken by Government in this regard?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI K. CHANDRA SEKHAR RAO): (a) to (f) A Statement is laid on the Table of the House.

Statement

(a) to (f) The Government sends representatives of Trade Unions to attend the International Labour Conference which is held in Geneva every year. Trade Unions which are nominated to attend the Conference are identified on the basis of their certified membership strength. While the Central Trade Union identified to participate in the Conference is nominated by the Government on the basis of their certified membership strength, individual nominees representing the Central Trade Unions are nominated by their respective trade unions. These representatives are sent to the Conference to participate as a part of the tripartite mechanism consisting of representatives from the Government and representatives from the trade unions and employers' organizations to deliberate on the subjects listed

†Original notice of the question was received in Hindi.

to matters pertaining to labour. These delegations are sent to the International Labour Conference to represent the country and participate in the various committees of the International Labour Conference.

श्री रूद्रनारायण पाणि: सभापति महोदय, मंत्री महोदय ने जो उत्तर दिया है, उसको मैंने पढ़ा, लेकिन वह तो केवल विद्यार्थियों को उत्तर देने जैसा एक उत्तर दिया है, जैसा उसके अंदर होता है। इसमें उन्होंने कहा है कि प्रमाणित, यानी कि केन्द्रीय श्रम संगठन की प्रमाणित सदस्यता संख्या के आधार पर भेजा जाता है, लेकिन एक नंबर का जो सेंट्रल ट्रेड यूनियन होता है, उसके प्रतिनिधि को डेलीगेट के रूप में भेजा जाता है, किन्तु यह नहीं हुआ है। मंत्री महोदय का इसके बारे में क्या कहना है?

SHRI K. CHANDRA SEKHAR RAO: Sir, the Government of India sends representatives and also delegates each from the employers and employees group to the International Labour Conference every year. This year, there was an election to the Governing Body of the ILO and the highest number possessing BMS was not affiliated to the ICFTU which enables the delegates to contest ILO Governing Body. That is the reason and it was a strategic move of the Government to choose INTUC to be the delegate on behalf of the Government of India. We have nominated INTUC as a strategic move. And the so nominated delegate was elected to the governing body of the ILO, which is a matter of pride, and advantage for the country.

श्री रूद्रनारायण पाणि: महोदय, मंत्री जी जो स्ट्रेटेजिक मूव की बात करते हैं, यह वास्तव में न्याय नहीं है। पिछली बार भी स्ट्रेटेजी की दृष्टि से ILC में दूसरे श्रमिक संगठनों के प्रतिनिधि को अंतर्राष्ट्रीय स्तर पर निर्वाचित किया गया था, लेकिन जो नॉर्म्स हैं कि लारजेस्ट ट्रेड यूनियन को डेलिगेट के रूप में वहां पर भेजा जाए, वे नॉर्म्स एप्लाई नहीं किए गए और फिर ILO की जो क्रिडेंशियल कमेटी है, उस क्रिडेंशियल कमेटी को केन्द्र सरकार ने जिस प्रकार से उत्तर दिया है, उससे वहां पर राष्ट्र का अपमान हुआ है और दूसरे कई केन्द्रीय श्रमिक संगठन हैं, जिन्होंने सरकार के इस प्रकार के काम का विरोध किया है। इस बारे में मंत्री महोदय इस सदन के माध्यम से राष्ट्र को बताएं।

श्री सभापति: सदस्य को बताने की जरूरत नहीं है, यह राष्ट्र को बताना है आपको।

श्री के॰ चन्द्रशेखर राव: सर, आपके माध्यम से मैं माननीय सदस्य को बताना चाहूंगा कि ILO को जो क्रिडेंशियल कमेटी है, उसने गवर्नमेंट आफ इंडिया के मूव को ऐप्रिसिएट किया है। BMS ने वहां कम्प्लेंट भी किया था, उस कम्प्लेंट को क्रिडेंशियल कमेटी ने टाल दिया है। The Credential Committee has appreciated the move of the Government of India. It was certified by the Credential Committee. This is number one.

SHRI CHITTABRATA MAJUMDAR: Hon. Sir, through you, I would like to put a question to the hon. Labour Minister, whether a Central trade union had raised objection to the manner of selection of delegates and observers of 93rd ILC and suggested a meeting with all Central trade unions before the finalisation of the list. If so, why was the consultation not done?

SHRI K. CHANDRA SEKHAR RAO: Sir, I have received a delegation from the BMS objecting to the decision of the Government. I have convinced them. The Government has taken this decision only in the interest of and advantage of the country and nothing else.

SHRI DIPANKAR MUKHERJEE: That is not the question. ...*(Interruptions)*... I would like to know whether any letter from any Central trade union was received for reconsideration of this decision.

SHRI K. CHANDRA SEKHAR RAO: I also received a letter from CITU requesting for consultation. But by that time the Government had already finalised and it was of no use.

श्री रूद्रनारायण पाणि: सर, यह घोर अन्याय हो रहा है। ...(**व्यवधान**)...

श्री सभापति: आप बैठिए। बैठिए, बैठ जाइए। Please take you seat. ... *(Interruptions)*... This will not go on record.

श्री रूद्रनारायण पाणि : सर*

श्री सभापति : बैठिए, बैठिए, बैठिए। Please take your seat. ... *(Interruptions)*.

आपकी बात रिकार्ड नहीं होगी। I will not allow. ...*(Interruptions)*...

SHRI DIPANKAR MUKHERJEE: Sir, I am on a point of order regarding what the hon. Minister is saying. ...*(Interruptions)*... This letter was sent on 30th April. How is he saying that before that finalisation was already done?

SHRI K. CHANDRA SEKHAR RAO: The Government interacts with the trade unions before the finalisation of the list of delegates to be sent. So, the process was on for two or three months. In between I had received some representations. I tried to convince all the leaders who met me. Ultimately, some of them were convinced, some of them were not convinced and some of them even complained to the ILO where the Government's decision was ratified.

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*Not recorded.

SHRI VAYALAR RAVI: There is a procedure, Sir. ...*(Interruptions)*...

SHRI N. K. PREMACHANDRAN: Thank you, Mr. Chairman, Sir. I do appreciate the guidelines or the criteria on the basis of which trade unions are selected for being sent to the ILO. But the point, which I would like to know, is whether there is also a criterion laid down by the Central Labour Commissioner to recognise a Central trade union. The United Trade Union congress, UTUC, is a centrally recognised trade union. So far the representative of UTUC has not been there for these conferences. I would like to know from the hon. Minister, when two or three delegates are representing one particular Central trade union, whether equitable representation will be given to all the centrally recognised unions. This is my specific question.

SHRI K. CHANDRA SEKHAR RAO: As I have mentioned earlier, the Government goes by the certified membership strength of the particular trade union before we make the final selection. Sir, this time, the Bharatiya Mazdoor Sangh has got two representatives, Indian National Trade Union Congress has got two representatives, Centre of Indian Trade Union have got one representative, Hind Mazdoor Sabha has got one representative, All India Trade Union Congress has got one representative, United Trade Union Centre has got one representative. These were the eight members selected according to the strength available with the Government.

SHRI VASANT CHAVAN: Thank you, Sir. I want to know from the hon. Minister as to what shall be the total number of representatives you are sending for this ILO and when their names can be fixed up tentatively.

SHRI K. CHANDRA SEKHAR RAO: Sir, this is a tripartite body. We sent representatives from three areas, i.e., employees area - eight representatives, employers area another 8 representatives and we also sent representatives from the Government of India.

SHRI BALAVANT *ALIAS* BAL APTE: Sir, is it not a fact that right from 1920 the largest trade union representative is sent as a delegate? Is it not a fact that on 5th April you nominated the BMS to be the official delegate and on 27th April you did it strategically for INTUC? What happened between 5th and 27th to relegate BMS and to bring into INTUC when BMS continues to be the largest trade union and according to the norms it is entitled to be nominated.

SHRI K. CHANDRA SEKHAR RAO: Sir, I have made it abundantly clear that normally Government sends the highest Membership holding

representative. But for this particular year there was election to the Governing Body of the ILO for which only two organisations were eligible. No. 1 INTUC and other organisation was HMS. Among these two, INTUC has the largest membership and that is why to the advantage of the country, without any bad intention, I have also made it very clear, Sir, that in the month of October in Korea there is going to be a Regional Labour Conference for which I have already nominated BMS. We have no other intentions. It is only in the interest of the country...

श्री रूद्रनारायण पाणि : महोदय, इसमें सब्स्टीट्यूट देने की व्यवस्था है।

*164.[The questioner (Dr. M.A.M. Ramaswamy) was absent. For answer *vide* page 39]

Safeguarding interests of Indian IT companies

*165. SHRI VIJAY J. DARDA: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government are aware that unscrupulous operators are perpetrating frauds and duping unsuspecting Indian companies by giving BPO (Branching Process Operations) work from Indian or overseas clients;

(b) if so, whether our existing laws are adequate to deal with such a situation with a view to safeguarding interests of Indian IT companies;

(c) how many such cases were brought to the notice of Government during 2004 and first six months of 2005;

(d) whether any guidelines have been issued for the protection of interests of Indian companies; and

(e) if so, the details thereof?

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI DAYANIDHI MARAN) : (a) to (e) A Statement is laid on the Table of the House.

Statement

(a) to (c) IT Enabled Services (ITES) or Business Process Outsourcing (BPO) in IT sector is a de-licensed activity. Such operations are governed by a contract between the parties. Government does not directly regulate such activities. However, as per information from NASSCOM, no such cases have been reported from their member companies.